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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,283	03/07/2002	Devon James Kemp	03630.000300	7736

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,283	Applicant(s) KEMP ET AL.	
	Examiner Saeid Ebrahimi-dehKordy	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/24/06, 3/17/02</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's arguments with respect to claims 1, 10, 19, 28, 37, 40 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7, 10-12, 16, 19-21, 25, 28-30, 34, 37, 39-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Marbry et al (U.S. patent 5,692,111)

Regarding claims 1, 10, 19, 28, 37, 40 and 41 Marbry et al disclose: A

computer implemented method for creating a locally managed instance of a printer on a host computer which communicates print data to the printer over a peer-to-peer network, comprising the steps of: selecting an option within an operating system of the host computer to create a locally managed instance of the printer on the host computer (note Fig.1 item 12 the workstation or computer with the operating system 28 which installs manages and configures the printer off the network, column 3 lines 9-16) a user inputting an identifier of the printer to be installed on the host computer (note Fig.4 column 4 lines 5-13 where the operating system is WIN32 API are utilized to configures and install

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the requested printer 22 through the handle which is the identifier for the printer) in response to the user inputting the identifier of the printer, the host computer determining, from the input identifier, printer type information (note Fig.4 column 4 lines 14-50 where the printer parameters are gathered and determines printer's information) based on the determined printer type information and the input identifier, the host computer automatically obtaining printer configuration information and print driver information (note Fig.4 column 5 lines 51-67 and column 6 lines 1-4 where the printer and printer driver were installed) the host computer automatically configuring the printer and installing a print driver for the printer based on the obtained printer configuration information and print driver information (note Figs.4 and 5 column 6 lines 5-9 where the printer and printer driver are automatically installed based on the printer configuration) and the host computer creating the locally managed instance of the printer on the host computer (note abstract, also note column 5 lines 50-67 and column 6 lines 1-4).

Regarding claim 2 and 11 and 20 and 29 Marbry et al disclose: A method according to Claim 1, wherein the identifier is a network address of the printer (note column 4 lines 7-13 where the handle is the identifier for the target printer which would be the IP address of the printer in the network as inherent feature of the all the network printers in the network).

Regarding claim 3 and 12 and 21 and 30 Marbry et al disclose: A method according to Claim 2, wherein the network address is an IP address (note that in a network with plurality of printer each printer is appointed an IP address this inherent features of the printers in a network).

Regarding claim 7 and 16 and 25 and 34 Marbry et al disclose: A method according to Claim 1, wherein the printer configuration information and the print driver information are automatically obtained from a remote device on the network (note column 3 lines 18-22).

Regarding claim 39 Marbry et al disclose: A method according to Claim 1, wherein the computer includes a database in which printer identification information and printer configuration information are managed, during said selecting step, printer identification information is input in response to selecting a printer object, during said obtaining step, the database is searched and print driver information and printer configuration information are obtained by using printer identification information as a search key, and said obtaining step is executed by using an install program (note Fig.3 column 4 lines 5-59).

Regarding claims 42, 43 and 44 Marbry et al disclose: A computer implemented method for a computer which communicates with the printer, comprising the steps of: managing a database in which printer identification information and printer configuration information for a communication are managed (note Abstract lines 5-10 also note column

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1 lines 66-67 and column 2 lines 1-11 where database is disclose to manage and store the printer identification and configuration among with the printer drivers) receiving the printer identification information of the printer in response to selecting a printer object implemented by a graphical user interface (note column 4 lines 5-23 where the handle which is the identifier for the printer is determined) in response to receiving the identification information, obtaining said printer configuration information for the communication and print driver information managed in the database by using the received identifier as a search key for the database (note Fig.4 column 4 lines 14-50 where the handle is used to acquire the printer configuration and also printer drivers necessary) installing a print driver (note column 5 lines 44-49) and configuring a print driver to set up the communication configuration information for the communication based on the obtained printer configuration information for the communication and the print driver information (note Fig.2 column 3 lines 18-34 where the printer and the printer driver which is configured to work with the printer is selected to communicate with the remote printer to print).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5, 13-14, 22-23 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marbry et al (U.S. patent 5,692,1110) in view or Gu et al (Application Publication 20050240665)

Regarding claim 4, Marbry et al discloses the dependency of claim 1 as stated above. Marbry et al do not disclose expressly wherein the identifier is a DNS name. However, Gu discloses wherein the identifier is a DNS name (paragraph 187, Lines 10-12). Marbry et al and Gu are combinable because they are from the same field of endeavor namely device configuration. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Marbry et al 's method include the identifier as a DNS name, as taught by Gu. The suggestion or motivation for doing so would have been that Marbry et al's method could include receiving an input of a printer name and having the printer name resolved to the printer's IP address or in this case the handle to establish communication. Furthermore, DNS is an industry standard for resolving a device name to an IP address or handle in this case. Therefore, it would have been obvious to combine the teachings of Gu with the method of Marbry et al to obtain the invention in claim 4.

Regarding claim 5 Marbry et al discloses the dependency of claim 1 as

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stated above. Marbry et al do not disclose expressly wherein the identifier is a NetBios name. However, Gu discloses wherein the identifier is a NetBios name (paragraph 187, Lines 10-12). Marbry et al and Gu are combinable because they are from the same field of endeavor namely device configuration. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Marbry et al's method include the identifier as a NetBios name, as taught by Gu. The suggestion or motivation for doing so would have been that Marbry et al's method could conform with an industry standard of naming a device with a NetBios name, and resolving the name to the device's IP or in this case handle. address. Therefore, it would have been obvious to combine the teachings of Gu with the method of Chapin to obtain the invention in claim 5.

Claims 13, 14, 22, 23, 31, and 32 are rejected under the arguments stated above for claims 4 and 5, as previously disclosed in the 'Identical Feature Claims' section.

6. **Claims 6, 15, 24 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marbry et al (U.S. patent 5,692,111) in view of Grasso et al (Application Publication 20020116291)

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Regarding claim 6, Marbry et al discloses the dependency of claim 1 Marbry et al does not disclose expressly wherein the printer is a virtual printer.

However, Grasso discloses wherein the printer is a virtual printer 23, lines 4-5). Marbry et al and Grasso are combinable because they are from the same field of endeavor namely device configuration. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Marbry et al's method I printer as a virtual printer, as taught by Grasso. The suggestion or motivation for doing so would have been that Marbry et al's method could include a way of saving printer output when the user wants to print a file but the printer is busy. The file can be disk, where it is saved and then sent to the printer when it is no longer busy it would have been obvious to combine the teachings of Grasso with the Marbry et al to obtain the invention in claim 6.

Claims 15, 24, and 33 are rejected under the arguments stated as previously disclosed in the 'Identical Feature Claims' section.

7. Claims 8, 17, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marbry et al (U.S. patent 5,692,111) in view of Pang et al (U.S. patent 6,804,718)

Regarding claim 8, Marbry et al discloses the dependency of claim 7 as stated above. Marbry et al do not disclose expressly wherein the remote device is an FTP Server. However, Pang discloses wherein the remote device is an FTP server (paragraph 9, lines 51-52). Marbry et al and Pang are combinable because they are from the same field of endeavor namely data transfer and computing devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Marbry et al's method include the remote device as an FTP server, as taught by Pang. The suggestion or motivation for doing so would have been that Marbry et al's method could include a server that stores driver files and makes them available to client computers on the Internet via FTP. Therefore, it would have been obvious to combine the teachings of Pang with the method of Marbry et al to obtain the invention in claim 8.

Claims 17, 26, and 35 are rejected under the arguments stated above for claim 8, as previously disclosed in the 'Identical Feature Claims' section.

8. Claims 9, 18, 27, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marbry et al (U.S. patent 5,692,111) in view of Russell et al (U.S. Application Publication 20030055958).

Regarding claim 9, Marbry et al discloses the dependency of claim 1 as stated above. Marbry et al do not disclose expressly further comprising automatically creating a port for communication with the printer. However, Russell discloses further comprising automatically creating a port for communication with the printer (paragraph 28, lines 4-7). Marbry et al and Russell are combinable because they are from the same field of endeavor namely data transfer and printing devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Marbry et al's method include automatically creating a pod for communication with the printer, as taught by Russell. The suggestion or motivation for doing so would have been that Marbry et al's method could include an interface through which data is sent and received and conform to industry standards of designating pod numbers for different kinds of IP traffic. Therefore, it would have been obvious to combine the teachings of Russell with the method of Marbry et al to obtain the invention in claim 9.

Claims 18, 27, 36 and 38 are rejected under the arguments stated above for claim 9, as previously disclosed in the 'Identical Feature Claims' section.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for **formal** communications; please mark
"EXPEDITED PROCEDURE")

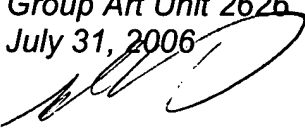
Or:

(703) 306-5406 (for **informal** or **draft** communications, please
label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501
Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group Receptionist whose telephone number is (703)
305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
July 31, 2006



KING Y. POON
PRIMARY EXAMINER